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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 80th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 April 2001, at 10 a.m.

Chairperson: Mr DESPOUY (Argentina)

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GE.01-13750 (EXT)

The meeting was called to order at 11 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. The CHAIRPERSON read out a draft decision concerning the dates of the fifty-eighth session of the Commission on Human Rights and said that, if he heard no objection, he took it that the Commission wished to adopt the draft decision by consensus.

2. It was so decided.

3. The CHAIRPERSON read out a draft decision concerning the organization of work of the fifty-eighth session of the Commission, stating that the Commission would request the Economic and Social Council to authorize an additional 35 meetings on the understanding that, during the inter-sessional period, the Bureau would attempt to formulate methods of work that would enable the Commission to manage its time more effectively. If he heard no objection, he took it that the Commission wished to adopt the draft decision by consensus.

4. It was so decided.

5. The CHAIRPERSON read out the following draft Chairperson's statement, which had been the subject of extensive consultations, concerning the question of resources for the Office of the United Nations High Commissioner for Human Rights.

> "At its 80th meeting, on 27 April 2001, the Commission on Human Rights, recalling its resolutions 1998/83 of 24 April 1998, 1999/54 of 27 April 1999 and 2000/1 of 7 April 2000, and wishing to associate itself with the strong message delivered by numerous dignitaries at its fifty-seventh session that adequate budgetary resources are a necessary prerequisite if the Office of the High Commissioner is to carry out its responsibilities and mandates as established by member States, decided, without a vote, to renew its appeal to the Economic and Social Council and the General Assembly that additional resources be allocated to the Office in order to ensure that it receives the necessary financial, material and personnel resources commensurate with its increasing tasks".

6. The CHAIRPERSON said that, if he heard no objection, he took it that the Commission wished to approve the draft statement.

7. It was so decided.

DRAFT PROVISIONAL AGENDA FOR THE FIFTY-EIGHTH SESSION OF THE COMMISSION (agenda item 21 (a)) (E/CN.4/2001/L.1)

8. The CHAIRPERSON drew the attention of the Commission to the draft provisional agenda for the fifty-eighth session of the Commission (E/CN.4/2001/L.1), which had been issued unedited in English only. If he heard no objection, he took it that the Commission wished to take note thereof.

9. It was so decided

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-SEVENTH SESSION OF THE COMMISSION (agenda item 21 (b)) (E/CN.4/2001/L.10 and Add.1-17 and E/CN.4/2001/L.11 and Add. 1-8)

10. Mr. HUSSAIN (Pakistan), Rapporteur, introducing the draft report of the Commission on its fifty-seventh session, said that it comprised two parts. The first, contained in document E/CN.4/2001/L.11 and Add.1-8, was a compilation of the 82 resolutions and 18 decisions adopted by the Commission. The second part, in documents E/CN.4/2001/L.10 and Add. 1-17, described the Commission's work and reproduced the four statements made by the Chairperson. As in previous years, the general debate was reflected in Annex III to the report (E/CN.4/2001/Misc.3). The report was a procedural description of the work of the Commission. For fuller information regarding the substance of the general debate, the summary records of the meetings should be consulted (E/CN.4/2001/SR.1-80). Members of the Commission had two weeks to submit any corrections to the draft report, which should be addressed to the Rapporteur through the secretariat.

11. With regard to draft resolutions and decisions recommended to the Economic and Social Council for adoption, Council resolution 1999/256 of 27 July 1999 should be consulted. Pursuant to that resolution, the Council had endorsed the Commission's recommendation that the Council should include in its resumed organizational session consideration of any proposals regarding special procedures or mandates adopted at the annual session of the Commission. At its current session, the Commission had adopted four resolutions (2001/12, 2001/30, 2001/46 and 2001/57) relating to new special procedures mandates. Accordingly, a "mini report" would be prepared to enable the Economic and Social Council to take action on the relevant resolutions as quickly as possible. The secretariat should be commended for its valuable contribution to the work of the Commission.

12. The CHAIRPERSON said that, as during previous sessions, the draft report would be adopted *ad referendum*, it being understood that the final version would be prepared by the Rapporteur with the assistance of the secretariat. If he heard no objection, he took it that the Commission wished to proceed as suggested.

13. It was so decided.

CLOSURE OF THE SESSION

14. Ms. ROBINSON (United Nations High Commissioner for Human Rights) said she had expressed the hope that all members of the Commission would accept their responsibilities with regard to the World Conference against Racism and she welcomed the Commission's adoption by consensus of a clear and constructive resolution on racism. She had also been encouraged by the tone of the special debate on tolerance and respect during which the Commission had heard Bishop Desmond Tutu's eloquent plea. A number of important parallel activities had taken place during the current session of the Commission, including a panel discussion on racism, children and the role of education; a meeting of the Steering Committee for the ratification of the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; an inter-agency meeting on internally displaced persons; a round-table discussion to commemorate the International Day against Racial Discrimination; and a meeting on human rights and disability, an issue on which her Office intended to concentrate in its future programme of work. One highlight of the Commission's work had been the intense debate on the worrying situation in the occupied Palestinian territories, the conclusions of which had ultimately been more constructive than the previous year's Special Session. The three reports on the situation in the occupied territories, notably that of the Commission of Inquiry, could potentially make a valuable contribution to resolving that tragic situation.

15. A number of important initiatives had been taken at the current session of the Commission, including the creation of a new mechanism to protect the human rights of indigenous peoples; the appointment of an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights; the establishment of an intergovernmental Working Group to draft a legally binding instrument for the protection of all persons against enforced disappearances; and the appointment of an independent expert to review existing norms and report back to the Working Group. The Commission had also decided to create the position of Special Representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia, thereby ending the mandate of the Special Rapporteur. That decision recognized the positive developments that had occurred in the Republic of Croatia and reflected the changes in the Federal Republic of Yugoslavia, which had been warmly welcomed by the international community. The Office of the High Commissioner for Human Rights would work closely with all representatives of the new mechanisms, but, in that connection, it was again necessary to draw attention to the critical matter of human and financial resources for the Office; it would be unable to cope with the additional workload associated with the new mandates unless States agreed to provide the necessary funds. The Chairperson's appeal to that end was therefore especially welcome.

16. A number of other innovative resolutions had been adopted during the current session, including one on the right to education, another on science and the environment and another on access to medication in the context of the HIV/AIDS pandemic. The last-mentioned resolution had identified one of the most urgent and practical applications of the right to health in the world at the present time and was a most welcome initiative in the run-up to the Special Session of the General Assembly on HIV/AIDS, due to be held in June. The Commission's decisions would provide useful guidance to her Office in the context of the follow-up to the Millennium Declaration. Her Office would take a lead role with regard to human rights, democracy and good governance at the Third United Nations Conference on the Least Developed Countries, due to be held in Brussels in May 2001.

17. It was regrettable that consensus on certain human rights issues had proved more elusive at the current session than in previous years. Many more draft resolutions had been put to a vote or had been amended and delegations had exercised their right of reply more frequently than at previous sessions. It was to be hoped that, at the fifty-eighth session of the Commission, members would make an effort to ensure that decisions were adopted by consensus. The quality of the dialogue between States and the special mechanisms appointed by the Commission was a further subject of concern. It was certainly in order for the members of the Commission to

evaluate the work of independent experts and special rapporteurs and to give guidance as needed, but the Commission should not lose sight of the fact that experts fulfilled a crucial role and should receive every possible support. It was particularly important to respect the integrity of all those participating in the work of the Commission and to avoid criticisms which degenerated into personal attacks. It was to be hoped that the Commission would continue to appreciate the work of the thematic and country rapporteurs.

18. The current session had been a full one. The large number of dignitaries, in particular the presence of five Heads of State and the Secretary-General, had attested to the significance of the Commission's work. The participation of a large number of national human rights institutions demonstrated that their role in the Commission had been strengthened. The positive contribution made by non-governmental organizations (NGO)s, which were very often the first point of contact for the victims of human rights violations, should also be recognized. While it was true that NGO statements had contributed to the increased workload at the current session, their role was crucial and should be protected. The decision to entrust the Bureau with the task of reflecting on organizational issues during the inter-sessional period was welcome and it was to be hoped that appropriate solutions would be identified.

19. She thanked all participants at the current session who had endeavoured to rise above political differences and national interests in order to move closer to the goal of the universal realization of all human rights and all those who had supported and encouraged her both publicly and privately, including individual human rights defenders. They had ultimately prevailed upon her to extend her mandate by one year, subject to approval by the General Assembly. She intended to make the coming year a fruitful one for the cause of human rights and looked forward to continued support and cooperation in the important work ahead, particularly with regard to the World Conference against Racism, to be held in Durban in September 2001.

20. The CHAIRPERSON said that the fifty-seventh session of the Commission on Human Rights had been particularly intensive and fruitful. The attendance of over 80 dignitaries, including five Heads of State, demonstrated that the Commission's work had increasing resonance on the international stage. A number of important decisions had been adopted at the session, including the establishment of an inter-sessional working group to draft a convention on protection against forced disappearances, the creation of a mandate for a special rapporteur on indigenous questions and the appointment of an expert to consider drafting a protocol to the International Covenant on Economic, Social and Cultural Rights.

21. The Commission's workload was constantly increasing. At the close of the current session, which had witnessed an unprecedented number of meetings and texts for consideration and adoption, it was more than ever apparent that reforms were required to streamline the Commission's work and improve its efficiency. All member States, observers and NGOs should become fully involved in that process and work together in a spirit of boldness and realism. It seemed that the representatives of the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Health Organization (WHO) had not been allocated sufficient time during the debates and, accordingly, the participation of the specialized agencies and bodies of the United Nations system and other intergovernmental organizations ought to be encouraged.

22. As many delegations had noted, the obstacles to be overcome at the current session had been many and complex and current events around the world had occasionally intruded on the Commission's work. The situation in the Middle East, in particular, had deteriorated markedly during the session. The Commission had nevertheless managed to conclude its work on that issue by adopting a constructive approach. Thanks to their willingness to cooperate, members of the Commission had ultimately defused the tension that had characterized many of the debates. It was to be hoped that the constructive approach would endure, particularly in respect of the forthcoming World Conference against Racism in Durban. The special debate on tolerance and respect had been particularly fruitful and of very high calibre; it was also to be hoped that the conclusions of that debate would make a useful contribution to the work of the Durban Conference.

23. The relationship of trust and cooperation that had been forged with NGOs during the session, thanks *inter alia* to the holding of weekly meetings attended by the majority of the Bureau, had been very gratifying to note, demonstrating that it was possible to resolve problems in a transparent and responsible manner.

24. The Office of the High Commissioner for Human Rights was playing an increasingly important role, as evidenced by the very full reports submitted by the High Commissioner concerning her two missions and the Office's technical cooperation programmes, which already covered some 40 countries. Likewise, the mechanisms and special procedures of the Commission should continue to be strengthened by providing the necessary backup and ensuring that experts were treated with all due respect and dignity.

25. Even in the heat of its debates, the Commission could not afford to lose sight of reality. It should not only take account of international current affairs, but also - and more importantly - it must never forget that its primary role was to concern itself with the victims. In that respect, the lack of a suitable mechanism to prevent human rights abuses was to be deplored; efforts should be made to establish a genuinely preventive diplomacy.

26. The members of the Commission, observer delegations, NGOs and the Office of the High Commissioner had all made valuable contributions to the work of the Commission. Particular thanks were due to Ms. Mary Tom, who, as an international civil servant and latterly as an NGO representative, had proved herself a dedicated fighter for the cause of human rights. Thanks were also due to all those who had assisted him in his work, especially the members of the Bureau, the Secretary of the Commission and her team and everyone involved in conference services. The cordial relations which he had entertained with the press throughout the session should also be mentioned.

27. After an exchange of courtesies by the representatives of the various regional groups of States, the CHAIRPERSON declared the fifty-seventh session of the Commission on Human Rights closed.

The meeting rose at 12.35 p.m.